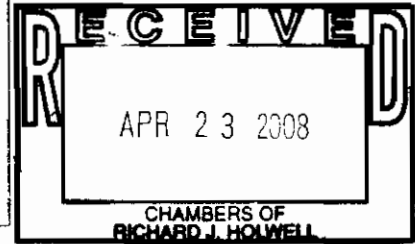
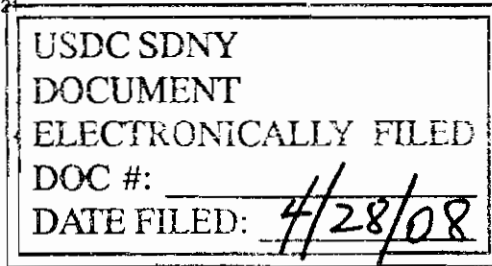


Vinson&Elkins

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April 22, 2008

By Hand



The Honorable Richard J. Holwell
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1950
New York, New York 10007

Re: *Fox News Network, L.L.C. v. EchoStar Satellite L.L.C.*, No. 07-CV-11314 (RJH) (FM)

Dear Judge Holwell:

During our conference on Friday, April 18, 2008, Your Honor directed us, on behalf of our client Fox News Network, L.L.C. ("Fox News"), to submit a proposed Case Management Plan.

In response to EchoStar Satellite L.L.C.'s ("EchoStar") proposed Case Management Plan provided to the Court at Friday's conference and enclosed herewith, Fox News is prepared to compromise its own proposed Case Management Plan, as originally filed with the Court on April 15, 2008, in the Report of the Parties' Planning Meeting. In proposing this discovery schedule, Fox News believes that, due to the limited amount of discovery projected by the parties, it is in the best interests of both parties, as well as the Court, to proceed with discovery as quickly as is reasonable. Accordingly, Fox News proposes the following Case Management Plan, which we believe represents a reasonable compromise between Fox News's and EchoStar's proposed discovery schedules:

1. Plaintiff's Proposed Case Management Plan

a. *Pending Motions*

There are no pending motions.

b. *Joinder of Additional Parties*

Additional parties may not be joined except with leave of the Court. Any motions to join additional parties shall be served by Friday, August 1, 2008.

V&E

The Honorable Richard J. Holwell April 22, 2008 Page 2

c. *Amendment of Pleadings*

Amended pleadings may not be filed except with leave of the Court. Any motions to file an amended pleading shall be served by Friday, August 1, 2008.

d. *Discovery Schedule*

- i. The parties have completed the initial disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure.
- ii. Plaintiff has served its First Request to Produce Documents on EchoStar. Defendant's responses are due on Friday, May 9, 2008. Defendant's first request for the production of documents, if any, shall be served by Friday, May 2, 2008. Further document requests may be served as required, but no document request may be served later than 30 days prior to the date of the close of discovery set forth in 1.d.v below.
- iii. Plaintiff has served its First Set of Interrogatories on EchoStar. Defendant's responses are due on Friday, May 9, 2008. Defendant's first set of interrogatories, if any, shall be served by Friday, May 2, 2008. Further interrogatories may be served as required, but no interrogatory may be served later than 30 days prior to the date of the close of discovery set forth in 1.d.v below.
- iv. All non-expert depositions shall be completed by Friday, ^{Sept. 19} ~~August 29~~, 2008, on dates to be scheduled by the parties consistent with this Case Management Plan.
- v. Fact discovery shall be completed by Friday, ^{Sept. 19} ~~August 29~~, 2008.
- vi. Disclosures required by Rule 26(a)(2) of the Federal Rules of Civil Procedure, including the delivery of expert reports, shall be made no later than Friday, ^{Oct. 3} ~~September 12~~, 2008.
- vii. Expert rebuttal reports shall be delivered by Friday, ^{Oct. 17} ~~September 26~~, 2008.
- viii. Expert discovery shall be completed by Friday, ³¹ ~~October 10~~, 2008.

e. *Dispositive Motions* ^{A pre-motion conference shall be held on}

~~Any dispositive motions shall be served no later than Friday, October 31, 2008. Opposition to any dispositive motion and any cross-motion shall be served no later than Friday, November 21, 2008. Reply in further support of any dispositive motion and opposition to any cross-motion shall be served no later than Friday, December 5, 2008. Any reply in further support of any cross-motion shall be served no later than Friday, December 19, 2008.~~

^{Nov 7 2008 at 10:00 a.m.}

V&E

The Honorable Richard J. Holwell April 22, 2008 Page 3

f. *Pretrial Order*

Unless a dispositive motion is filed, a joint pretrial order shall be submitted on a ~~date to be set by the Court, but we respectfully request no later than November 3, 2008.~~

Dec. 5

g. *Trial Schedule*

i. Defendant has requested a jury trial. Plaintiff reserves the right to move to strike this request.

ii. The parties have conferred and their present best estimate of the length of trial is 3-5 days.

iii. Unless a dispositive motion is filed, the parties shall be ready for trial on a date to be set by the Court, but we respectfully request no later than December *5*, 2008.

SO ORDERED

Respectfully submitted,

R. J. Holwell
USBJ

Clifford Thau
Clifford Thau

Enclosures

4/25/08

cc: Charles L. Kerr, Esq.
Leah Ramos, Esq.